

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAR 16 2005**

U.S. Pat. Appln. Serial No. 09/445,043  
Response to OA dated December 16, 2004  
March 16, 2005  
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Baird-Smith et al.	
Serial No : 09/445,043	Group Art Unit: 3727
Filed : March 20, 2000	Examiner: Robin Annette Hylton
Title : AN OPEN ENDED CONTAINER CLOSURE INCLUDING A FLEXIBLE MEMBRANE AND A RIGID CAP	
Docket No : 350013-65	

**CERTIFICATE OF TRANSMISSION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

I hereby certify that this correspondence is being facsimile  
transmitted to the USPTO via fax number (703) 872-9306  
on March 16, 2005. (37 CFR 1.8)

*Brea K. Taken*  
Brea K. Taken

**RESPONSE TO OFFICE ACTION UNDER**  
**37 C.F.R. §116**

Dear Sir:

This is responsive to the Office Action dated December 16, 2004. Claims 1, 3, 4, 6, 8-11, 13-18 and 22 are pending in the application. Claims 14-18 and 22 have been withdrawn from consideration.

**In the Claims**

Please amend the claims as set forth in Appendix A commencing on page 9.

**OPPENHEIMER**

OPPENHEIMER WOLFF &amp; DONNELLY LLP

Plaza VII, Suite 3300  
45 South Seventh Street  
Minneapolis, MN 55402-1609  
www.Oppenheimer.com

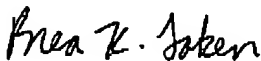
**RECEIVED**  
**CENTRAL FAX CENTER**

**MAR 16 2005****FAX COVER LETTER****March 16, 2005**

**TO:** Commissioner for Patents  
**COMPANY:** U.S. Patent and Trademark Office  
**PHONE:**  
**FAX:** (703) 872-9306

**FROM:** Brea K. Taken  
Legal Administrative Assistant to Barbara A. Wrigley  
**DIRECT DIAL:** (612) 607-7260  
**EMAIL:** BTaken@oppenheimer.com  
**RE:** U.S. Patent Application No. 09/445,043  
Title: A CONTAINER CLOSURE  
Filed: March 20, 2000  
Art Unit: 3727  
Attorney Docket No.: 350013-65

**COMMENTS:** I hereby certify that a Response to Office Action is being facsimile transmitted to the U.S. Patent and Trademark Office on March 16, 2005.

**Brea K. Taken**

This facsimile contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this facsimile is strictly prohibited. If you have received this facsimile by mistake, please immediately notify us by telephone and return the original message to us at the address above via the Postal Service (we will reimburse postage). Thank you.

Originals: Not being sent

Completed by: Brea Taken/7260

You should receive 12 page(s) including this page.  
If the transmission is incomplete, please call 612.607.7276 as soon as possible.

PTO/SB/21 (03-09)

Approved for use through 04/30/2005. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

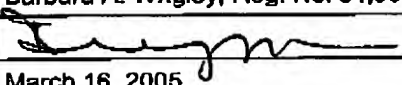
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/445,043
		Filing date	March 20, 2000
		First Named Inventor	Ian Baird-Smith
		Art Unit	3727
		Examiner Name	Robin Annette Hyton
Total Number of Pages in This Submission	11	Attorney Docket Number	350013-65

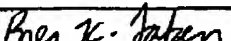
**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of the PTO Form 1533 (Rev. 9/97), Notice to File Missing Parts of Application <i>Filing Date Granted</i> <input type="checkbox"/> Executed Declaration and Power of Attorney Document	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal C (Appel Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) please identify below:
Remarks:		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Barbara A. Wrigley, Reg. No. 34,950
Signature	
Date	March 16, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313 on this date: <u>March 16, 2005</u>	
Typed or printed	Brea K. Taken
Signature	
Date:	March 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.